

ASSEMBLY BILL

No. 1379

**Introduced by Assembly Member Nazarian
(Principal coauthor: Assembly Member Wilk)**

February 27, 2015

An act to amend Section 47605 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as introduced, Nazarian. Charter schools: pupils with disabilities.

Existing law requires a charter school to admit all pupils who wish to attend the school, and, if the number of pupils who wish to extend the charter school exceeds the school's capacity, requires attendance to be determined by a public random drawing, as specified.

This bill would authorize a charter school to exempt a pupil with a moderate to severe disability from the public random drawing if the pupil is eligible for, and seeks placement in, a specialized program operated by the charter school that is designed for pupils with moderate to severe disabilities. The bill would require a public random drawing to be held if the number of pupils who wish to attend the charter school's specialized program exceeds the program's capacity, would exempt certain pupils from the public random drawing, and would require preference to be granted to pupils who meet specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition.

The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the *charter* school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the *charter* school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision ~~(b)~~ (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The

1 authority that granted its charter shall consider whether to approve
2 those additional locations at an open, public meeting. If the
3 additional locations are approved, ~~they~~ *there* shall be a material
4 revision to the charter school's charter.

5 (5) A charter school that is unable to locate within the
6 jurisdiction of the chartering school district may establish one site
7 outside the boundaries of the school district, but within the county
8 in which that school district is located, if the school district within
9 the jurisdiction of which the charter school proposes to operate is
10 notified in advance of the charter petition approval, the county
11 superintendent of schools and the Superintendent are notified of
12 the location of the charter school before it commences operations,
13 and either of the following circumstances exists:

14 (A) The school has attempted to locate a single site or facility
15 to house the entire program, but a site or facility is unavailable in
16 the area in which the school chooses to locate.

17 (B) The site is needed for temporary use during a construction
18 or expansion project.

19 (6) Commencing January 1, 2003, a petition to establish a charter
20 school ~~may~~ *shall* not be approved to serve pupils in a grade level
21 that is not served by the school district of the governing board
22 considering the petition, unless the petition proposes to serve pupils
23 in all of the grade levels served by that school district.

24 (b) No later than 30 days after receiving a petition, in accordance
25 with subdivision (a), the governing board of the school district
26 shall hold a public hearing on the provisions of the charter, at
27 which time the governing board of the school district shall consider
28 the level of support for the petition by teachers employed by the
29 *school* district, other employees of the *school* district, and parents.
30 Following review of the petition and the public hearing, the
31 governing board of the school district shall either grant or deny
32 the charter within 60 days of receipt of the petition, provided,
33 however, that the date may be extended by an additional 30 days
34 if both parties agree to the extension. In reviewing petitions for
35 the establishment of charter schools pursuant to this section, the
36 chartering authority shall be guided by the intent of the Legislature
37 that charter schools are and should become an integral part of the
38 California educational system and that *the* establishment of charter
39 schools should be encouraged. The governing board of the school
40 district shall grant a charter for the operation of a school under this

1 part if it is satisfied that granting the charter is consistent with
2 sound educational practice. The governing board of the school
3 district shall not deny a petition for the establishment of a charter
4 school unless it makes written factual findings, specific to the
5 particular petition, setting forth specific facts to support one or
6 more of the following findings:

7 (1) The charter school presents an unsound educational program
8 for the pupils to be enrolled in the charter school.

9 (2) The petitioners are demonstrably unlikely to successfully
10 implement the program set forth in the petition.

11 (3) The petition does not contain the number of signatures
12 required by subdivision (a).

13 (4) The petition does not contain an affirmation of each of the
14 conditions described in subdivision (d).

15 (5) The petition does not contain reasonably comprehensive
16 descriptions of all of the following:

17 (A) (i) A description of the educational program of the *charter*
18 school, designed, among other things, to identify those whom the
19 *charter* school is attempting to educate, what it means to be an
20 “educated person” in the 21st century, and how learning best
21 occurs. The goals identified in that program shall include the
22 objective of enabling pupils to become self-motivated, competent,
23 and lifelong learners.

24 (ii) A description, for the charter school, of annual goals, for
25 all pupils and for each subgroup of pupils identified pursuant to
26 Section 52052, to be achieved in the state priorities, as described
27 in subdivision (d) of Section 52060, that apply for the grade levels
28 served, or the nature of the program operated, by the charter school,
29 and specific annual actions to achieve those goals. A charter
30 petition may identify additional school priorities, the goals for the
31 school priorities, and the specific annual actions to achieve those
32 goals.

33 (iii) If the proposed *charter* school will serve high school pupils,
34 a description of the manner in which the charter school will inform
35 parents about the transferability of courses to other public high
36 schools and the eligibility of courses to meet college entrance
37 requirements. Courses offered by the charter school that are
38 accredited by the Western Association of Schools and Colleges
39 may be considered transferable and courses approved by the
40 University of California or the California State University as

1 creditable under the “A” to “G” admissions criteria may be
2 considered to meet college entrance requirements.

3 (B) The measurable pupil outcomes identified for use by the
4 charter school. “Pupil outcomes,” for purposes of this part, means
5 the extent to which all pupils of the *charter* school demonstrate
6 that they have attained the skills, knowledge, and attitudes specified
7 as goals in the *charter* school’s educational program. Pupil
8 outcomes shall include outcomes that address increases in pupil
9 academic achievement both schoolwide and for all groups of pupils
10 served by the charter school, as that term is defined in subparagraph
11 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil
12 outcomes shall align with the state priorities, as described in
13 subdivision (d) of Section 52060, that apply for the grade levels
14 served, or the nature of the program operated, by the charter school.

15 (C) The method by which pupil progress in meeting those pupil
16 outcomes is to be measured. To the extent practicable, the method
17 for measuring pupil outcomes for state priorities shall be consistent
18 with the way information is reported on a school accountability
19 report card.

20 (D) The governance structure of the *charter* school, including,
21 but not limited to, the process to be followed by the *charter* school
22 to ensure parental involvement.

23 (E) The qualifications to be met by individuals to be employed
24 by the *charter* school.

25 (F) The procedures that the *charter* school will follow to ensure
26 the health and safety of pupils and staff. These procedures shall
27 include the requirement that each employee of the *charter* school
28 furnish the *charter* school with a criminal record summary as
29 described in Section 44237.

30 (G) The means by which the *charter* school will achieve a racial
31 and ethnic balance among its pupils that is reflective of the general
32 population residing within the territorial jurisdiction of the school
33 district to which the charter petition is submitted.

34 (H) Admission requirements, if applicable.

35 (I) The manner in which annual, independent financial audits
36 shall be conducted, which shall employ generally accepted
37 accounting principles, and the manner in which audit exceptions
38 and deficiencies shall be resolved to the satisfaction of the
39 chartering authority.

1 (J) The procedures by which pupils can be suspended or
2 expelled.

3 (K) The manner by which staff members of the charter schools
4 will be covered by the State Teachers' Retirement System, the
5 Public Employees' Retirement System, or federal social security.

6 (L) The public school attendance alternatives for pupils residing
7 within the school district who choose not to attend charter schools.

8 (M) A description of the rights of ~~any~~ *an* employee of the school
9 district upon leaving the employment of the school district to work
10 in a charter school, and of any rights of return to the school district
11 after employment at a charter school.

12 (N) The procedures to be followed by the charter school and
13 the entity granting the charter to resolve disputes relating to
14 provisions of the charter.

15 (O) A declaration *of* whether or not the charter school shall be
16 deemed the exclusive public school employer of the employees of
17 the charter school for purposes of Chapter 10.7 (commencing with
18 Section 3540) of Division 4 of Title 1 of the Government Code.

19 (P) A description of the procedures to be used if the charter
20 school closes. The procedures shall ensure a final audit of the
21 *charter* school to determine the disposition of all assets and
22 liabilities of the charter school, including plans for disposing of
23 any net assets and for the maintenance and transfer of pupil records.

24 (c) (1) Charter schools shall meet all statewide standards and
25 conduct the pupil assessments required pursuant to Sections 60605
26 and 60851 and any other statewide standards authorized in statute
27 or pupil assessments applicable to pupils in noncharter public
28 schools.

29 (2) Charter schools shall, on a regular basis, consult with their
30 parents, legal guardians, and teachers regarding the *charter* school's
31 educational programs.

32 (d) (1) In addition to any other requirement imposed under this
33 part, a charter school shall be nonsectarian in its programs,
34 admission policies, employment practices, and all other operations,
35 shall not charge tuition, and shall not discriminate against ~~any~~ *a*
36 pupil on the basis of the characteristics listed in Section 220. Except
37 as provided in paragraph (2), admission to a charter school shall
38 not be determined according to the place of residence of the pupil,
39 or of his or her parent or legal guardian, within this state, except
40 that an existing public school converting partially or entirely to a

1 charter school under this part shall adopt and maintain a policy
2 giving admission preference to pupils who reside within the former
3 attendance area of that public school.

4 (2) (A) A charter school shall admit all pupils who wish to
5 attend the *charter* school.

6 (B) If the number of pupils who wish to attend the charter school
7 exceeds the *charter* school's capacity, attendance, except for
8 existing pupils of the charter school, shall be determined by a
9 public random drawing. Preference shall be extended to pupils
10 currently attending the charter school and pupils who reside in the
11 *school* district except as provided for in Section 47614.5. Other
12 preferences may be permitted by the chartering authority on an
13 individual school basis and only if consistent with the law.

14 (C) In the event of a drawing, the chartering authority shall
15 make reasonable efforts to accommodate the growth of the charter
16 school and in no event shall take any action to impede the charter
17 school from expanding enrollment to meet pupil demand.

18 (D) (i) *A pupil with a moderate or severe disability may be*
19 *exempted from the public random drawing if the pupil is eligible*
20 *for, and seeks placement in, a specialized program that is designed*
21 *for pupils with moderate to severe disabilities that is operated by*
22 *the charter school.*

23 (ii) *If the number of pupils who wish to attend the charter*
24 *school's specialized program for pupils with moderate to severe*
25 *disabilities exceeds the program's capacity, attendance shall be*
26 *determined by a public random drawing.*

27 (iii) *A pupil who is currently enrolled in the charter school's*
28 *specialized program and whose individualized education program*
29 *remains consistent with the placement shall be exempt from the*
30 *public random drawing for the specialized program.*

31 (iv) *Preference for the specialized program shall be extended*
32 *to pupils who both reside in the school district and whose*
33 *individualized education program requires placement in a*
34 *moderate to severe special education program.*

35 (3) If a pupil is expelled or leaves the charter school without
36 graduating or completing the school year for any reason, the charter
37 school shall notify the superintendent of the school district of the
38 pupil's last known address within 30 days, and shall, upon request,
39 provide that school district with a copy of the cumulative record
40 of the pupil, including a transcript of grades or report card, and

1 health information. This paragraph applies only to pupils subject
2 to compulsory full-time education pursuant to Section 48200.

3 (e) The governing board of a school district shall not require
4 ~~any~~ *an* employee of the school district to be employed in a charter
5 school.

6 (f) The governing board of a school district shall not require
7 ~~any~~ *a* pupil enrolled in the school district to attend a charter school.

8 (g) The governing board of a school district shall require that
9 the petitioner or petitioners provide information regarding the
10 proposed operation and potential effects of the *charter* school,
11 including, but not limited to, the facilities to be used by the *charter*
12 school, the manner in which administrative services of the *charter*
13 school are to be provided, and potential civil liability effects, if
14 any, upon the *charter* school and upon the school district. The
15 description of the facilities to be used by the charter school shall
16 specify where the *charter* school intends to locate. The petitioner
17 or petitioners *also* shall ~~also~~ be required to provide financial
18 statements that include a proposed first-year operational budget,
19 including startup costs, and cashflow and financial projections for
20 the first three years of operation.

21 (h) In reviewing petitions for the establishment of charter
22 schools within the school district, the governing board of the school
23 district shall give preference to petitions that demonstrate the
24 capability to provide comprehensive learning experiences to pupils
25 identified by the petitioner or petitioners as academically low
26 achieving pursuant to the standards established by the department
27 under Section 54032, as it read before July 19, 2006.

28 (i) Upon the approval of the petition by the governing board of
29 the school district, the petitioner or petitioners shall provide written
30 notice of that approval, including a copy of the petition, to the
31 applicable county superintendent of schools, the department, and
32 the state board.

33 (j) (1) If the governing board of a school district denies a
34 petition, the petitioner may elect to submit the petition for the
35 establishment of a charter school to the county board of education.
36 The county board of education shall review the petition pursuant
37 to subdivision (b). If the petitioner elects to submit a petition for
38 establishment of a charter school to the county board of education
39 and the county board of education denies the petition, the petitioner
40 may file a petition for establishment of a charter school with the

1 state board, and the state board may approve the petition, in
2 accordance with subdivision (b). A charter school that receives
3 approval of its petition from a county board of education or from
4 the state board on appeal shall be subject to the same requirements
5 concerning geographic location to which it would otherwise be
6 subject if it received approval from the entity to which it originally
7 submitted its petition. A charter petition that is submitted to either
8 a county board of education or to the state board shall meet all
9 otherwise applicable petition requirements, including the
10 identification of the proposed site or sites where the charter school
11 will operate.

12 (2) In assuming its role as a chartering agency, the state board
13 shall develop criteria to be used for the review and approval of
14 charter school petitions presented to the state board. The criteria
15 shall address all elements required for charter approval, as
16 identified in subdivision (b) and shall define “reasonably
17 ~~comprehensive~~” *comprehensive*,” as used in paragraph (5) of
18 subdivision ~~(b)~~ (b), in a way that is consistent with the intent of
19 this part. Upon satisfactory completion of the criteria, the state
20 board shall adopt the criteria on or before June 30, 2001.

21 (3) A charter school for which a charter is granted by either the
22 county board of education or the state board based on an appeal
23 pursuant to this subdivision shall qualify fully as a charter school
24 for all funding and other purposes of this part.

25 (4) If either the county board of education or the state board
26 fails to act on a petition within 120 days of receipt, the decision
27 of the governing board of the school district to deny ~~a~~ *the* petition
28 ~~shall, thereafter,~~ *shall* be subject to judicial review.

29 (5) The state board shall adopt regulations implementing this
30 subdivision.

31 (6) Upon the approval of the petition by the county board of
32 education, the petitioner or petitioners shall provide written notice
33 of that approval, including a copy of the petition to the department
34 and the state board.

35 (k) (1) The state board may, by mutual agreement, designate
36 its supervisorial and oversight responsibilities for a charter school
37 approved by the state board to any local educational agency in the
38 county in which the charter school is located or to the governing
39 board of the school district that first denied the petition.

1 (2) The designated local educational agency shall have all
2 monitoring and supervising authority of a chartering agency,
3 including, but not limited to, powers and duties set forth in Section
4 47607, except the power of revocation, which shall remain with
5 the state board.

6 (3) A charter school that is granted its charter through an appeal
7 to the state board and elects to seek renewal of its charter shall,
8 before expiration of the charter, submit its petition for renewal to
9 the governing board of the school district that initially denied the
10 charter. If the governing board of the school district denies the
11 *charter* school's petition for renewal, the *charter* school may
12 petition the state board for renewal of its charter.

13 (l) Teachers in charter schools shall hold a Commission on
14 Teacher Credentialing certificate, permit, or other document
15 equivalent to that which a teacher in other public schools would
16 be required to hold. These documents shall be maintained on file
17 at the charter school and are subject to periodic inspection by the
18 chartering authority. It is the intent of the Legislature that charter
19 schools be given flexibility with regard to noncore, noncollege
20 preparatory courses.

21 (m) A charter school shall transmit a copy of its annual,
22 independent financial audit report for the preceding fiscal year, as
23 described in subparagraph (I) of paragraph (5) of subdivision (b),
24 to its chartering entity, the Controller, the county superintendent
25 of schools of the county in which the charter school is sited, unless
26 the county board of education of the county in which the charter
27 school is sited is the chartering entity, and the department by
28 December 15 of each year. This subdivision does not apply if the
29 audit of the charter school is encompassed in the audit of the
30 chartering entity pursuant to Section 41020.